



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2639

Introduced 1/20/2006, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

45 ILCS 141/25
45 ILCS 141/30
45 ILCS 141/31

Amends the Radioactive Waste Compact Enforcement Act to reflect the Illinois Emergency Management Agency's assumption of duties assigned to the Agency's predecessor, the Department of Nuclear Safety. Effective immediately.

LRB094 14573 RSP 49516 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Radioactive Waste Compact Enforcement Act is
5 amended by changing Sections 25, 30, and 31 as follows:

6 (45 ILCS 141/25)

7 Sec. 25. Enforcement.

8 (a) The Department of Nuclear Safety or its successor
9 agency, the Illinois Emergency Management Agency, shall adopt
10 regulations to administer and enforce the provisions of this
11 Act. The regulations shall be adopted with the consultation and
12 cooperation of the Commission.

13 Regulations adopted by the Department or the Agency under
14 this Act shall prohibit the shipment into or acceptance of
15 waste in Illinois if the shipment or acceptance would result in
16 a violation of any provision of the Compact or this Act.

17 (b) The Department of Nuclear Safety or its successor
18 agency, the Illinois Emergency Management Agency, may, by
19 regulation, impose conditions on the shipment into or
20 acceptance of waste in Illinois that the Department or the
21 Agency determines to be reasonable and necessary to enforce the
22 provisions of this Act. The conditions may include, but are not
23 limited to (i) requiring prior notification of any proposed
24 shipment or receipt of waste; (ii) requiring the shipper or
25 recipient to identify the location to which the waste will be
26 sent for disposal following treatment or storage in Illinois;
27 (iii) limiting the time that waste from outside Illinois may be
28 held in Illinois; (iv) requiring the shipper or recipient to
29 post bond or by other mechanism to assure that radioactive
30 material will not be treated, stored, or disposed of in
31 Illinois in violation of any provision of this Act; (v)
32 requiring that the shipper consent to service of process before

1 shipment of waste into Illinois.

2 (c) The Department of Nuclear Safety or its successor
3 agency, the Illinois Emergency Management Agency, shall, by
4 regulation, impose a system of civil penalties in accordance
5 with the provisions of this Act. Amounts recovered under these
6 regulations shall be deposited in the Low-Level Radioactive
7 Waste Facility Development and Operation Fund.

8 (d) The regulations adopted by the Department of Nuclear
9 Safety or its successor agency, the Illinois Emergency
10 Management Agency, may provide for the granting of exemptions,
11 but only upon a showing by the applicant that the granting of
12 an exemption would be consistent with the Compact.

13 (Source: P.A. 87-1166.)

14 (45 ILCS 141/30)

15 Sec. 30. Penalties.

16 (a) Any person who ships or receives radioactive material
17 in violation of any provision of this Act or a regulation of
18 the Department of Nuclear Safety or its successor agency, the
19 Illinois Emergency Management Agency, adopted under this Act
20 shall be subject to a civil penalty not to exceed \$100,000 per
21 occurrence.

22 (b) Any person who fails to pay a civil penalty imposed by
23 regulations adopted under this Act, or any portion of the
24 penalty, shall be liable in a civil action in an amount not to
25 exceed 4 times the amount imposed and not paid.

26 (c) Any person who intentionally violates a provision of
27 subsection (a) (1), (a) (2), (a) (3), (a) (4) or (a) (6) of Section
28 20 of this Act shall be guilty of a Class 4 felony.

29 (d) At the request of the Department of Nuclear Safety or
30 its successor agency, the Illinois Emergency Management
31 Agency, the Attorney General shall, on behalf of the State,
32 bring an action for the recovery of any civil penalty or the
33 prosecution of any criminal offense provided for by this Act.
34 Any civil penalties so recovered shall be deposited in the
35 Low-Level Radioactive Waste Facility Development and Operation

1 Fund.

2 (Source: P.A. 87-1166.)

3 (45 ILCS 141/31)

4 Sec. 31. The Department of Nuclear Safety or its successor
5 agency, the Illinois Emergency Management Agency, may accept
6 donations of money, equipment, supplies, materials, and
7 services from any person for accomplishing the purposes of this
8 Act. Any donation of money shall be deposited in the Low-Level
9 Radioactive Waste Facility Development and Operation Fund and
10 shall be expended by the Department only in accordance with the
11 purposes of the donation.

12 (Source: P.A. 87-1166.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.